

Appl. No. 09/509,603
Atty. Docket No. 6873
Amtd. dated 1/12/2005
Reply to Office Action of 10/14/2004
Customer No. 27752

REMARKS/ARGUMENTS

Claim 33 remains in the case. Claim 33 has been amended to focus on xanthan gum as the preferred shear thinning polymer. Claim 33 has been further amended to recite the solvent level, as indicated at page 2 of the specification. The "cleaning effective amount" terminology has been deleted. The claim now also recites the presence, and range, of silicone suds suppressor. Basis is at page 8, paragraphs 3 and 5. The claim now also requires the absorbent "structure" to be a pad. The formation of cleaning pads comprising a superabsorbent material is extensively disclosed at pages 9-21 and 22-27. The spelling of the term "compositon" and the term "suface" has been corrected.

It is submitted that all amendments are fully supported, and entry is requested.

Rejections Under 35 USC 112

Claim 33 stands rejected, for reasons of record at pages 2-3 of the Office Action.

It is submitted that, per the Examiner's comments, the recitation of the pad and the solvent range, and the removal of the "cleaning effective amount" language, in Claim 33 overcome all grounds for rejection under §112. Withdrawal of said rejections is requested.

Rejections Under 35 USC 103

Claim 33 stands rejected over EP 0503219 in view of U.S. 5,538,664, U.S. 5,638,569, U.S. 5,149,335, and further in view of "EP" 1,357,323 (presumably, U.K. 1,357,323, Richardson), for reasons of record at pages 4-6 of the Office Action.

Claim 33 also stands rejected over U.S. 6,380,151 and further in view of EP (*sic*) U.K. 1,357,323, for reasons of record at page 6 of the Office Action.

Applicants respectfully traverse all rejections under 35 USC 103, to the extent they may apply to Claim 33, as now amended.

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Before turning to the specific grounds of rejection, it would seem to be useful to consider the supportive data presented in the application.

Data in Support of Patentability

The present invention is directed to hard surface cleaning with an improved streaking benefit. Attention is directed to the data displayed in the tables at pages 32-35. As disclosed in the test protocol at page 31, the streaking scores are on a 0-4 scale, wherein 0 is none and 4 represents severe streaks. A grade difference of 0.25 is significant.

Based on those data, and as an overall proposition, it can be fairly noted that the tests of compositions of the type falling within Claim 33, used in conjunction with an absorbent pad as called for in that claim, generally result in scores in the 0.5 – 0.75 range. (See Table 3 at page 33.)

In contrast, various commercial cleaners plus xanthan gum, although showing improvement over the commercial cleaner, alone, give scores only in the 1.0-1.5 range. (See Table 3 at page 33.)

Moreover, the data in Table 4 and Table 5 (page 35) illustrate the performance of conventional strip mops, European floor cloths (see page 34) and sponge mops with commercial cleaners, with-and-without added xanthan gum. Again, the presence of the xanthan improves the streaking scores, but the scores are still outside the range achieved by the present invention.

Overall Net: Based on the data presented by Applicants, it can be stated that the superior results achieved by the present invention are fairly attributable to the combination of the proper formulation of the cleaning solution to which the xanthan gum is added to provide the low-streak composition, plus the use of such low-streak composition with the absorbent structure, all as specified in Claim 33.

For the record, it is noted that previous comments regarding the cited documents, and the combination thereof remain in effect, but will not necessarily be repeated herein, for the sake of brevity.

Briefly, with regard to EP '219, the Examiner's attention is directed to the fact that '219 only teaches the use of the disclosed compositions with a sponge. See '219 page 4, line 18. As

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discussed above, the superior results achieved herein are the result of the conjoint use of the specified composition and pad.

With regard to U.K. '323, it is again submitted that this document is not combinable with EP '219, or with any of the other cited documents, to arrive at the present invention. As previously noted, U.K. '323 does not suggest the amine base used herein. Moreover, '323 uses the gums to replace expensive silicone foam retardants (col. 1, lines 20-30). In sharp contrast, the compositions herein require the presence of such silicones. It is submitted that one of skill in the art, seeking to replace such silicones, would not be led to use such silicones in the manner of the present invention.

As previously noted, '664 is silent on the pad herein, used in combination with the specified composition comprising the xanthan gum. Accordingly, '664 adds nothing to the combination of documents.

The '569 document relates to a mop, but is non-instructive as to the type of composition it is to be used with.

The '335 document relates to absorbent structures such as diapers, but does not suggest the combination of elements which provide the superior performance of the present Claim 33.

Again, it is noted that the previous arguments regarding this combination of documents continue to apply. As evidenced by the rejection, the Examiner has had to pick-and-choose various elements from the several documents and re-combine them to, assertedly, arrive at the present invention. It is submitted that, absent the disclosures of U.K. '323, even such combination of documents still does not meet all the definitional parameters of Claim 33, as now amended. (Again, it is noted that U.K. '323 teaches away from the silicone; accordingly, '323 is not combinable with the other documents.) Reconsideration and withdrawal of the rejection on this combination of documents are requested.

With regard to the rejection over U.S. 6,380,151 and further in view of U.K. '323 (as above), much the same comments can be made.

The '151 patent does not suggest the use of xanthan gum to improve filming/streaking. However, the filming/streaking aspects of the '151 technology is noted at col. 13, line 17. The patentees simply teach the use of volatile alkaline materials to avoid filming/streaking. Nothing therein teaches the gum, as presently used.

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Again, the teachings of '151 are in sharp contrast to U.K. '323, which employs only inorganic alkalinity agents.

Moreover, the present compositions employ the silicone material. As disclosed at page 8, paragraphs 3-5, suds suppressors, preferably silicones (p. 8, par. 5) provide a technical improvement in spotting and filming, particularly on ceramic surfaces (p. 8, par. 3). Yet, the objective of '323 is to avoid the need for such silicones.

Finally, it is again noted that the surfactant level in '323 is well above that employed herein.

In summary, to fairly combine '151 with U.K. '323, one would have to ignore the teachings of '323 with regard to the silicone, the surfactant level and the choice of alkalinity agents. It is submitted that this is impermissible under 35 USC 103. Reconsideration and withdrawal of the rejection on this basis are therefore requested.

In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,

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